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FILED
BOARD OF OPTOMETRISTS

MAR 19 2008

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

STUART ROTHMAN, O.D.
License No.270A00419500

TO PRACTICE OPTOMETRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Optometrists (hereinafter "the Board") upon receipt of information from E. H. that Stuart Rothman, O.D, ("the Respondent") charged the balance of her services in the amount of \$85.00 to her credit card without her authorization. Specifically, it has been alleged that Respondent initially examined patient E.H. on May 30, 2007. The eye health services were initially billed to the patient's medical insurance carrier. The Respondent claims that he sent the patient several statements regarding the outstanding balance. Furthermore, respondent supplied a copy of his office payment policy which indicates that payment in full is due for all

services when they are rendered and sets forth the procedure for payments by patients with insurance coverage. The Board noted that this payment policy indicated that the patient will be billed for any services or materials that are applicable following the receipt of an explanation of benefits from the patient's insurance carrier. The payment policy did not inform the patient that an outstanding balance may be automatically charged to the patient's credit card should the patient fail to remit the outstanding charge. Respondent ultimately billed the patient's credit card in the amount of \$85.00. Respondent acknowledged in his response to the Board that the patient called to complain when she was informed by his office that the credit card was billed for the outstanding balance.

Having reviewed the entire record, it appears to the Board that respondent entered a charge against the credit card of E.H. without the specific authorization of the patient.

These facts establish constitute for professional misconduct and disciplinary action pursuant to N.J.S.A. 45:1-21(e). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 19th DAY OF ~~JANUARY~~ ^{March}, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is formally reprimanded for his conduct in charging an amount to a patient's credit card without obtaining authorization from the patient which constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e)

2. Respondent shall reverse the charge in the amount of \$85.00 to the patient's credit card immediately upon receipt of this order. Respondent shall submit written proof to the Board that the reversal was successful.


3. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$ 500.00 for the conduct with respect to his crediting the patient's credit card without authorization from the patient in violation of N.J.S.A. 45:1-21(e). This amount is due in full upon the filing of the Consent Order. Payment for the civil penalties totaling \$500.00 shall be remitted simultaneously with respondent's signing of the Order and submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the attention of the Executive Director, New Jersey State Board of Optometrists, P.O. Box 45012, 124 Halsey Street, Newark, New Jersey, 07101.

4. Failure to remit a payment required by this Order will result in the filing of a certificate of debt.


5. This Consent Order is entered into by the Respondent to resolve a disputed claim and to avoid costly and protracted litigation. It is not to be construed as an admission of liability by the Respondent.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By:


Leonard Steiner
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Stuart Rothman, O.D.